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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **Sean Marcelle LYKES,** Defendant.	Magistrate Case No. '08 MJ 0846 COMPLAINT FOR VIOLATION OF Title 18, U.S.C., Section 751 (a) - Escape From Custody/Arrest

The undersigned complainant being duly sworn states:

That on March 14, 2008, in San Diego, California, in the Southern District of California, the defendant **Sean Marcelle LYKES,** did unlawfully and willfully escape from the custody of Officers of the United States, to wit United States Customs and Border Protection Enforcement Officers Jacob James and Nicolas Gonzales, wherein he was held by virtue of his lawful arrest for a felony offence, to wit, warrants of arrest for Sections 459 of the California Penal Code and, Section 10851 of the California Vehicle Code, all in violation of Title 18, United States Code, Section 751 (a).

The complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference

Signature of Complainant
Sara Esparagoza, United States Customs
and Border Protection Enforcement Officer

Sworn to before me and subscribed in my presence, **18th** day of **March, 2008**.

United States Magistrate Judge

WMC

PBOBABLE CAUSE STATEMENT

The complainant states that on March 14, 2008, **Sean Marcelle LYKES (Defendant)** presented himself for inspection at the San Ysidro Port of Entry pedestrian facility. A Customs and Border Protection (CBP) Officer referred Defendant to secondary inspection for lack of identification.

Computer queries reveal two felony warrants of arrest in Defendants name. Upon hearing Officers discussing the warrants Defendant fled the San Ysidro Port of Entry pedestrian secondary area on foot. Defendant was apprehended by CBP Officers and Border Patrol Agents near the Port of Entry.

Defendant was escorted back to the Port of Entry to the custody of CBP personnel and placed in a secure detention area. A CBP Officer informed Defendant that he was the subject of two felony warrants of arrest and that he would be transported to the San Diego Central Jail.

Defendant was removed from the holding cell by CBP Officers in preparation for transport to the San Diego Central Jail. Defendant was handcuffed with hands behind his back and the handcuffs were double locked. Defendant and an additional five fugitives were escorted to, and placed inside of a CBP transport van. The CBP transport vehicle was occupied by CBP Officers Jacob James and Nicolas Gonzales.

While stopped at a red light at the intersection of Ash Street and Front Street in San Diego, CBP Officers heard a loud noise in the rear of the vehicle. The CBP Officers observed Defendant running away from the vehicle. A CBP Officer gave chase in an attempt to apprehend Defendant, but was unsuccessful.

A CBP Officer discovered the handcuffs with which Defendant had been secured laying on the rear seat where Defendant had been sitting. The handcuffs were open and in the unlocked position. A CBP Officer discovered that the rear passenger window had been opened allowing access to the door handle on the exterior of the vehicle.

Defendant is a 29 year old citizen of the United States whose whereabouts remain unknown.